

ASSEMBLY BILL

No. 1211

Introduced by Assembly Member Maienschein

February 27, 2015

An act to amend Section 1569.156 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 1211, as introduced, Maienschein. Residential care facilities for the elderly:

Existing law provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. Existing law requires a residential care facility for the elderly to take certain actions with respect to advance directives, including providing written information, upon admission, about the right to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right, under state law, to formulate advance directives and not conditioning the provision of care or otherwise discriminating based on whether or not an individual has executed an advance directive. Existing law defines advance directive, for this purpose, to include advance health care directives or some other form of instruction recognized under state law specifically addressing the provision of health care. Violation of these provisions is a crime.

This bill would specifically include in the definition of advance directive a request regarding resuscitative measures, as defined. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.156 of the Health and Safety Code
2 is amended to read:

3 1569.156. (a) A residential care facility for the elderly shall
4 do all of the following:

5 (1) Not condition the provision of care or otherwise discriminate
6 based on whether or not an individual has executed an advance
7 directive, consistent with applicable laws and regulations.

8 (2) Provide education to staff on issues concerning advance
9 directives.

10 (3) Provide written information, upon admission, about the
11 right to make decisions concerning medical care, including the
12 right to accept or refuse medical or surgical treatment and the right,
13 under state law, to formulate advance directives.

14 (4) Provide written information about policies of the facility
15 regarding the implementation of the rights described in paragraph
16 (3).

17 (b) For purposes of this section, “advance directive” means an
18 “advance health care directive,” as defined in Section 4605 of the
19 Probate Code, or some other form of instruction recognized under
20 state law specifically addressing the provision of health care,
21 including a request regarding resuscitative measures, as defined
22 in Section 4780 of the Probate Code.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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